



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Office of the State Supervisor - Ecological Services
1339 20th Street
Vero Beach, Florida 32960-3559
(561) 562-3909

January 2, 2001

Colonel James G. May
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel May: *DMG*

On October 27, 2000, the Regulatory Division, Jacksonville District, Corps of Engineers (Corps) sent the Fish and Wildlife Service (Service) a letter regarding the State Programmatic General Permit (SPGP) and the revision and reissuance of the following Regional General Permits:

- SAJ- 5 - Maintenance Dredging of Residential Canals,
- SAJ-12 - Boat Ramps,
- SAJ-13 - Aerial Transmission Lines,
- SAJ-14 - Subaqueous Transmission Lines,
- SAJ-17 - Minor Structures,
- SAJ-18 - Boat Slips in Upland Cuts,
- SAJ-20 - Private Piers,
- SAJ-33 - Private Multi-Family Piers,
- SAJ-34 - Commercial Piers,
- SAJ-42 - Minor Activities-Miami Dade, and
- SAJ-46 - Bulkheads & Backfill in Residential Canals.

At the Service's request, issuance of these revised permits had been held in abeyance by your Regulatory Division because of unresolved issues surrounding the endangered West Indian manatee.

Enclosed with the October 27, 2000, letter was a copy of a newly revised "Manatee Key." The "Manatee Key" is a tool that has been used by the Regulatory Division for the past several years to assist them in making their effects determination, as required by 50 CFR Section 402.14(a).

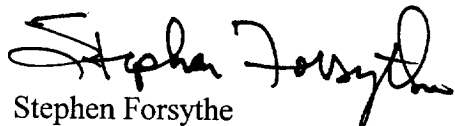
Based on the application of the newly refined "Manatee Key," the Regulatory Division revised their earlier "no effect" determinations to the SPGP and the above-listed Regional General Permits and concluded that the SPGP and the above-listed Regional General Permits "may affect,

but are not likely to adversely affect" the manatee. Additionally, the Regulatory Division, in the October 27, 2000, letter, requested that the Service complete the consultation on the above-listed general permits and the SPGP.

The Service concurs with the Corps' "may affect, not likely to adversely affect" determination for the above-listed Regional General Permits and the SPGP. Additionally, the Service has closely examined the "Manatee Key" and, at this time, is in agreement with its structure and content. Therefore, for all future applications analyzed with the "Manatee Key" in which the Corps reaches a "may affect, not likely to adversely affect" determination with respect to the manatee, the Service as prescribed under 50 CFR Section 402.14(b)(1), hereby concurs with those determinations. Furthermore, for all future applications analyzed with the "Manatee Key" in which the Corps reaches a "may affect, not likely to adversely affect" determination, no authorization is needed for incidental take under the Marine Mammal Protection Act.

Thank you for your cooperation in this matter. Should you have any questions regarding this letter, please contact Jacksonville Field Office Supervisor Dave Hankla at (904) 232-2580, extension 108.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephen Forsythe". The signature is fluid and cursive, with the first name "Stephen" and last name "Forsythe" clearly distinguishable.

Stephen Forsythe
State Supervisor-Ecological Services

cc:

Assistant Regional Director, Ecological Services, Service, Atlanta, Georgia
Field Supervisor, South Florida Field Office, Service, Vero Beach, Florida
Field Supervisor, Jacksonville Field Office, Service, Jacksonville, Florida